

# The Orangeburg News.

GOD AND OUR COUNTRY.

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THE ORANGEBURG NEWS

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LIVE FRESH GARDEN SEEDS.  
Jan 11

## The Redemption of Lands Forfeited to the State for Non-Payment of Taxes.

In our last issue of August 30th, we published a letter from Comptroller-General Hoge to Hon. S. J. Lee, in reference to the redemption of lands sold for the payment of taxes, and forfeited to the State for the want of bidders, and remarked at the time that it was the intention of Mr. Lee to test the soundness of the Comptroller's attitude on this subject in the Courts. Our own views of the matter coincided with those of Mr. Lee, but as the subject was somewhat obscured by the amount of legislation which has been had on the tax question for the past four years, we determined to postpone any expression until we could embrace the opportunity of critically examining the question. This we have done, and the enquiry has satisfied us that the Comptroller is wrong. In the first place, he seems to labor under a misapprehension of the law when he broadly asserts that such lands cannot be redeemed, and refers to section 108 of the laws of 1868, alleged to have been amended by act of March 12, 1872, and confirmatory of his opinion. Now this section does not refer to forfeited lands, and was never legally amended by the act referred to; and it is strange that Mr. Hoge should so believe when he had before him the Revised Statutes, in which this very section, as well as others, of the tax act of 1868, were adopted and made the law of the State by act of February, 1872, and of force by the provisions of the Constitution Art. 3, Sec. 22, Tit. Ex. Dep.

At the time of the passage of the act of March 12, 1872, no portion of the tax act of 1868 was of force, as of that year, and therefore, when the Legislature by Sec. 1, of the former, sought to amend Sec. 108 and other sections of the latter, it attempted to amend a statute that was no longer the law of the State, having become nullified by the re-enactment and adoption of its provisions in the Code of Statute law, made the law of the State by the act and in the manner before stated. The Revised Statutes embody all the State laws of the State of force at the time of the final report of the Commissioners, by virtue of A. A. March 9, 1860, passed in pursuance of Art. 5, Sec. 3 of the State Constitution. The next report was made November 28, 1871, so that this Code contains all the law of a Statutory character in force up to that date, and made so by A. A. February, 1872, and in legal contemplation these Statutes are to be considered as having been passed at the same time. In constructing a revised Code of laws they are to be considered as contemporaneous acts, parts of one entire system of law. Blackwell on Tax Titles, 615. From and after the re-enactment and adoption of the Revised Statutes, the tax act passed September 15, 1868, ceased to exist as the law of the State, but its provisions were made law by act of February, 1872. Pamphlet acts, 1872, pp. 37. It will be clearly perceived, therefore, that the Legislature, in Sec. 1 of the Act of March 12, 1872, ignorantly amended an act that was not of force, and that the only law in relation to the assessment and collection of taxes and redemption of lands now of force, is by virtue of the Act of February, 1872.

Mr. Hoge refers to the Joint Resolutions of 1862-73 as explanatory of the intention of the Legislature, and as a correct criterion of construction, but as it is the province of the Courts, and not the Legislature, to interpret laws, there is nothing in this view of the question.

The point seems, however, to be settled by the following citations from the Revised Statutes and legal decisions of the Courts:

"The County Auditor, or his Deputy shall attend all sales of delinquent real estate, made by the Treasurer of his county, etc., and if any parcel was offered for sale, and not sold for want of bidders, or shall have been bid in on behalf of the State, he shall enter it on record, &c." Sec. 20, Revised Statutes, pp. 79.

"All real estate which has been or may hereafter be sold for taxes assessments and penalties at delinquent sales under the laws of this State, may be redeemed at any time within two years

from, and after, such sale, &c." Section 26, id., pp. 80.

"Each tract, or lot of land, or part thereof, which shall be offered for sale by the County Treasurer at any delinquent land sale, as provided for in this chapter (13) and not sold for want of bidders, shall thereby become forfeited to the State of South Carolina, and therefor all the right, title, and interest of the former owner therein shall be vested in the State of South Carolina, and shall be designated by the County Auditor on the list of delinquent lands as 'forfeited and transferred to the State of South Carolina, and charged with taxes and penalties as if the same was purchased by a private individual, and returned by the Treasurer as delinquent until sold as forfeited real estate, sec. 54 id. 82.

"The County Auditor shall enter in a substantial book, &c., denominated the Forfeited Land Record, a list of all real estate forfeited to, or purchased in behalf of the State according to the provisions of this chapter (13), sec. 55, id. 83.

"In the case of all lands purchased on behalf of the State under the provisions of section 18 of this chapter (13), the County Treasurer shall, in the name of the State, enter upon and take possession of the same and may lease the same &c., and subject to all the rights of redemption in such case provided for by law. Sec. 42, id. 81.

"Any person who shall have rented lands under the provisions of the foregoing section, 42, shall at the expiration of the time during which said lands were redeemed by the original owner, be deemed to have required a right of pre-emption to the same. Sec. 43, id. 34.

The above citation from the Revised Statutes are sufficient to refute the dictum of Mr. Hoge in regard to the redemption of lands forfeited by want of bidders; and also, upon the generally accepted doctrine, that tax laws are to be construed in favor of the taxpayers and against the State. Why lands forfeited to the State, should not be governed by the provisions and equity of the Statute, which, in general terms, gives the right of redemption in all sales of delinquent real estate, we are at a loss to understand.

The following citations from legal decisions may not be amiss in this connection:

"General words in a statute are to receive a general construction, unless there is something in the statute to restrain their application.—12 Georgia Rep. 527, 6 Shipley 308.

"Where a statute makes no exception the Courts can make none.—26 Miss. Rep. 571.

"The exception of a particular thing or person, or class of things, from the general words of a statute, proves that in the opinion of the Legislature, the things or persons, would be within the general clause, but for the exception, W12 Whea 438; 12 Johnson 260. 11 Johnson 391.

Statutes are never to be construed to work injustice.—7 Johnson 496, 6.

"Revenue Statutes are to be construed most favorably to the citizen.—Blackwell on Tax Titles, 627.

"A statutory power derogatory to private property ought to be construed strictly, and not enlarged by intendment id. 628.

Without intending this article beyond reasonable limits, we will say, that in our opinion, owners of delinquent real estate sold under the provisions of the tax law, contained in the revised statutes, and forfeited for the want of bidders, have not only the right to redeem, but have within two years, in which they can exercise this right of redemption. There is no authority in our law to controvert the positions we have taken, so far as we can see, and as all tax laws are to be construed in favor of the taxpayers, it necessarily follows that the right of redemption in all cases belongs to the citizen. Why the State should be preferred to individual purchasers at delinquent land sales is more than we can comprehend, and we hope that the Courts of the State, or organized under a Republican form of government, will affirm the doctrine of redemption whenever it comes properly before them.

Newport is just about to add a fire-arm telegraph to her other attractions. Flames are frequent there.

## Duel With Six-Shooters.

A STARTLING PICTURE OF LIFE IN THE SILVER STATE.

A DESPERATE FIGHT IN TRUCKEE CITY—BOTH MEN EMPTY THEIR PISTOLS—ONE KILLED AND THE OTHER MORTALLY WOUNDED.

TRUCKEE CITY, Nev., Sept. 7.—Andy Fuget, a carpenter, and Jack White, a miner, fought a duel night before last with six-shooters. A feud had existed between the men for some time; and a few days ago when they met on the spot grounds Fuget said: "We might as well settle our trouble here. Draw and defend yourself." White said he was not armed, and Fuget replied that he believed him a liar. The men then separated with the understanding that they would fight the first time they met. Night before last the men again met on the corner of Main street and a little alley running up into the Chinese quarter. They had no sooner recognized each other than the battle began. There were several persons in the neighborhood, but no one who saw the shooting could tell who fired the first shot. Fuget is said to have been approaching Main street from the alley, and was met by White, who was passing along the sidewalk. When the firing began Fuget placed himself behind an awning post at the corner of the street and alley, while White stood on the sidewalk.

The firing was very rapid; so rapid, indeed, that many who heard it thought that more than two men were engaged in the shooting. The majority of those who were in the neighborhood when the shooting began ran away as fast as their legs would carry them; but two or three men, who sought shelter in the iron doorways of Burkhalter's store, stood their ground and witnessed the whole battle. White fell first, and striking on the edge of the sidewalk, rolled into a gutter about eighteen inches in depth. Fuget fell about the same time, seemingly from the effect of White's last shot, rolling into the same gutter in which White was lying, and at no great distance from him. Between the two men lay a bundle of gunny sacks, owing to which they were unable to see each other. Fuget began to crawl toward White, who lay in the gutter unable to rise. He dragged himself along the gutter until he reached the gunny sacks. He climbed up on these until he could see his mortal enemy, and then fired at him his two remaining shots. White aroused himself, and by great effort raised his pistol and fired his last shot, which rolled Fuget from his position on the sacks, and ended the desperate and bloody fight.

When the firing ceased and only groans were to be heard, the citizens rapidly collected, and soon a great crowd was on the bloody battle-field. The bleeding and groaning men were carried to where they could be cared for. Fuget, however, needed but little care, as he was dying when taken up, and lived less than ten minutes. The shot which proved fatal struck him in the left groin, severing a large artery. He bled frightfully. White's wounds were three in number, and of such a nature that they must necessarily prove fatal. One shot passed through his body, from side to side, just above the hips; another entered his right breast, and ranging back, lodged against his spine; the third struck him in the lower part of the abdomen, passing through the bladder.

After the shooting, and while his wounds were being examined, White said that he was fired at by another man besides Fuget. This man, he said, was a large man with heavy black whiskers, who stood in the alley leaning up into Chinatown, and fired three shots at him, after which he ran away up the alley. Afterward, on being more closely questioned about this man, White refused to say anything more in regard to him, or to give his name, even if he knew it. Many persons who were in the neighborhood at the time of the shooting are quite certain that more than two men were engaged in it. They say that it seems almost impossible that two men, armed with common six-shooters, could have done such rapid firing, and when the men were taken up and the pistols examined there was a general expression of surprise on seeing they were not self-cockers. Several

bullets struck the iron shutters of the store, and the men who screamed themselves in the doorways seem to have occupied a tolerably hot position. By some it is supposed that the men were hunting each other at the time, as but a minute before the shooting began White came to the door of a billiard saloon near by and peered in as though looking for some one. Both men were formerly residents of San Francisco.

## A Cheap City.

Munich is undoubtedly a very cheap city, says a letter writer. Even the rates at the hotels are lower than we found them anywhere else in Europe. The expense for rooms is about seventy cents per day, and although the hotel restaurants charge nearly double the price for meals that is charged elsewhere, it is difficult to run the entire living expense over \$2.50 per day. Carriage hire is very cheap, and cigars are better and cheaper in Munich than anywhere in Europe. English goods of all descriptions are sold cheaper than they are in London. There is abundance of fruit here, such as cherries, apricots, plums, green ginger, and some very good peaches, which are sold at moderate rates. Cherries are to be had throughout the summer, they being brought to the cities from so many different surrounding climates that so soon as they are over in one section the supply comes in from another. We have been eating cherries for two months, and obtained this morning some of the largest and finest white-hearts that we have yet tasted, for about twelve cents per pound. A gentleman's well-made calf skin Congress boots boots cost less than \$3. They are as soft as buckskin, and most admirable to travel in. I see English razors in the windows for twenty-six kreutzers (about eighteen cents), and three bladed penknives for about forty cents. Full business suits of cassimere are marked at about \$10, and everything at correspondingly low rates. Thus, beer is not the only thing that is cheap, and we expect labor is correspondingly cheap. Many of the laboring men and women who flock to the breweries at noon seem to make their dinner off a mug of beer, with a big radish and salt, and a roll of bread and sausage, all of which cost but thirteen kreutzers, equal to about eight cents in our money. They are, however, strong, stout, and muscular, and look as if they are well fed. Our party, numbering six, have just taken dinner at one of the best restaurants. We had soup, beefsteak, roast duck, potatoes, and pie, with a full supply of beer, and good appetites, each calling for what they wanted, and the whole cost was less than six florins, or about forty cents apiece. The inferior qualities of meals, are obtainable at the restaurants for much lower rates than the better qualities, and a good dinner is served the carriage driver, who eats in a separate apartment, for less than twenty cents in our currency.

## Curl of the Sea Water.

The principles in the circulation of the waters of the sea were beautifully shown before the Royal Geographical Society, England, recently, by a simple experiment. A trough with plate glass sides, about six feet long and a foot deep, but not more than an inch wide, was filled with water. At one end a piece of ice was wedged in between the sides to represent the polar cold, while the tropic heat was represented at the other end by a bar of metal laid across the surface of the water, the projecting end of which was heated by a spirit lamp. Red coloring matters were then put in at the warm end, and blueness the cold end so that the currents could be traced. The blue water, chilled by contact with the ice, immediately fell down to the bottom, crept slowly along, and gradually rose toward the surface of the equatorial end, after which it gradually returned along the surface to the starting point. The red water crept first along the surface of the polar end, then fell to the bottom just as the blue had done, and formed another stratum, creeping back again along the bottom and coming to the surface. Each color made a distinct circulation during the half hour in which the audience viewed the experiment.

There was a slight snow about 13 miles from Wilmington, N. C., Tuesday morning.

## Perils of the Lips.

The conclusion of a Brooklyn judge makes kissing a perilous business for unmarried people. It does not affect those who are wedded. They can smooch each other to their hearts content provided they can find parties who enjoy that kind of exercise. But not so with the unmarried who happen to be unmarried. In this particular case there is no proof that the gentleman made any profession of love; he merely looked tenderly at the lady and affectionately squeezed her hand. It was not shown that he made a verbal agreement to marry the lady, but he had kissed her and the kiss, in conjunction with the aforesaid tender look and affectionate handshake was adjudged legally equivalent to a promise of matrimony, and the unwilling man was mulcted in the sum of \$15,000.

The old proverb says that actions speak louder than words. A preface is more binding than a promise. But it is not a little remarkable that the tendency to facilitate matrimony is gaining strength. We have got marriage made easy. It is no longer necessary to make an audible and solemn pledge before a priest or justice of the peace. Rings and rings are dispensed with. It is only necessary for a man and woman to live together as man and wife to be legally considered such, and such, have a place in the best society. The fact carries the pledge and all its solemn implications with it. Now, is the decision of the Brooklyn judge sound, verbal courtship is abolished, promises are dispensed with, and is only necessary for an unmarried man to look softly on an unmarried woman and gently press her hand, sweetly kiss her willing lips, and the whole thing is settled. This condenses the thing awfully. It puts the whole business—poetry and moon beams and love sick rhymes in all kinds of metre—in a nutshell. Now, we do not specially object to this condensation of wooing into a single short and decisive passage. Concentration is the manifest tendency and necessity of modern life. We do every thing on a rush. We cannot afford to spend much time on anything. Courtship like credits, must be short. But it does make kissing a terribly perilous business. And kissing is rather a sweet, nice thing. Human beings take to it pretty naturally. It is the universal language of kindness and good feeling; of friendship as well as of affection. But what unmarried persons will dare to kiss another if the touch of the lips is to be construed into a legally binding promise of marriage? We protest against the decision on behalf of the many excellent unmarried men and women who enjoy kissing and being kissed and don't want to be compelled to confine their expressions of exquisitely fine sentiments to those who are married.—A little tender consideration of the young people whose lips are getting into a kissable condition should have restrained our judge, who evidently was never a boy himself, or has forgotten all the sweetness and romance of that interesting period.

## What Sleep Will Cure.

There is a rest has always been louder than the cry for food. Not that it is more important, but it is often harder to get. The best comes from sound sleep. Of two men or women, otherwise equal, the one who sleeps best will be the most moral, healthy and efficient. Sleep will do much to cure irritability of temper, peevishness and uneasiness. It will cure insanity. It will do much to cure dyspepsia. It will relieve a languor and prostration felt by constipatives. It will cure hypochondria. It will cure headache. It will cure neuralgia. It will cure a broken spirit. It will cure sorrow. In deed we might make a longer list of nervous maladies that it will cure.

"What's the use of trying to be honest?" asked a young man, the other day of a friend. "Oh! you ought to try it once," was the reply.

A New Hampshire paper speaks of the "idiots who are climbing the White Mountains to get a view of the cows pasturing in the meadows below."

Titusville, Pa., girls have voted not to purchase any dry goods where the stores keep open in the evening. They think the clerks can find some better business, and more congenial.

## How to Make a Mustard Plaster.

How many people are there who really know how to make a mustard plaster? Not one in a hundred at the most, perhaps, and yet mustard plasters are used in every family, and physicians prescribe their application, never telling anybody how to make them for the simple reason that doctors themselves do not, as a rule. The ordinary way is to mix the mustard with water, tempering it with a little flour, but such a plaster as that makes is simply abominable. Before it has half done its work it begins to blister the patient, and leaves him finally with a painful itchy spot, after having produced far less effect in a beneficial way than was intended. Now, a mustard plaster should never cause a blister at all. If a blister is wanted there are other plasters fit for the purpose. When you make a mustard plaster then, use no water whatever but mix the mustard with the white of an egg and the result will be a plaster which will draw perfectly, but will not produce a blister even upon the skin of an infant, no matter how long it is allowed to remain upon the part. For this we have word of an old and eminent physician, as well as our own experience.

A mustard plaster that the editors are delighted to get anything to fill up the paper, a cheap and easy remedy.

That they have plenty of time to correct bad manuscripts, when they are not busy.

That they should know everything, whether informed of it or not.

That they have plenty of money.

That they should notice every scandalous story that travels to within twenty miles of New York.

That they should have news, whether there is any or not, as to the progress of the war.

That they should print every man who attends a dog fight or a horse race.

The man is always most honored who is most excellent in what he undertakes. It is better to saw wood well than to plead law poorly.

A country postmaster in Virginia wishes the people who use postal cards wouldn't write so fine, as he consumes twenty minutes reading some of them.

A lady, who did not think it respectable to bring up her children to work has recently heard from her two sons—one is a br keeper to a flat boat, and the other is second clerk to a time clock.

An Irishman seeing a ship very heavily laden, and scarcely above the water's edge, exclaimed: "Upon my soul, if the river was but a little higher, the ship would go to the bottom."

A story is told of a person making whether he would advise him to take a certain friend money. "What! lend him money? You might give him a emetic, and he wouldn't return it."

Scarf of thin white Indian cotton, and of bamboo, with gay Roman borders, are tied around black or white hats, worn in the country by young ladies. Those with black striped borders and fringe are also very stylish.

An enthusiastic African, who had spent the winter in Jamaica, found it an earthly paradise. He said he could "do, and passing his arms on do wind, pick oranges, pine apples and Jamaica rum right off the tree."

A western editor having heard that sulphur in the socks will prevent cholera has worried a stick of brimstone out of a new drugget, and now wants some one to loan him a pair of socks while he tries the thing.

An intelligent Aberdeen preacher recently took for his text, "Adam, where art thou?" and divided his subject into three distinct parts: 1st. All men are somewhere. 2d. Some are where they ought not to be. 3d. And unless they take care, they will find themselves where they would rather not be.

A Pine street gentleman of Danbury was showing a stranger over his house the other day. The stranger noticed a large collection of pot plants in the dining room, and said: "You seem to have a liking for flowers." "Well, yes," admitted the old gentleman, with a blight tinge of enthusiasm, "as he expected in the direction of the most open pot; 'it ain't always handy to hunt up a spitoon, you know.'—News.